


KF9685
.Z9A3x

No. ~~1652 U4~~



GIVEN BY

U. S. SUPT. OF DOCUMENTS



Digitized by the Internet Archive
in 2016

<https://archive.org/details/presentenceinves00unit>

729-B

Publication No. 103

The PRESENTENCE INVESTIGATION REPORT ♦ ♦ ♦ ♦ ♦

Division of Probation

U.S. ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

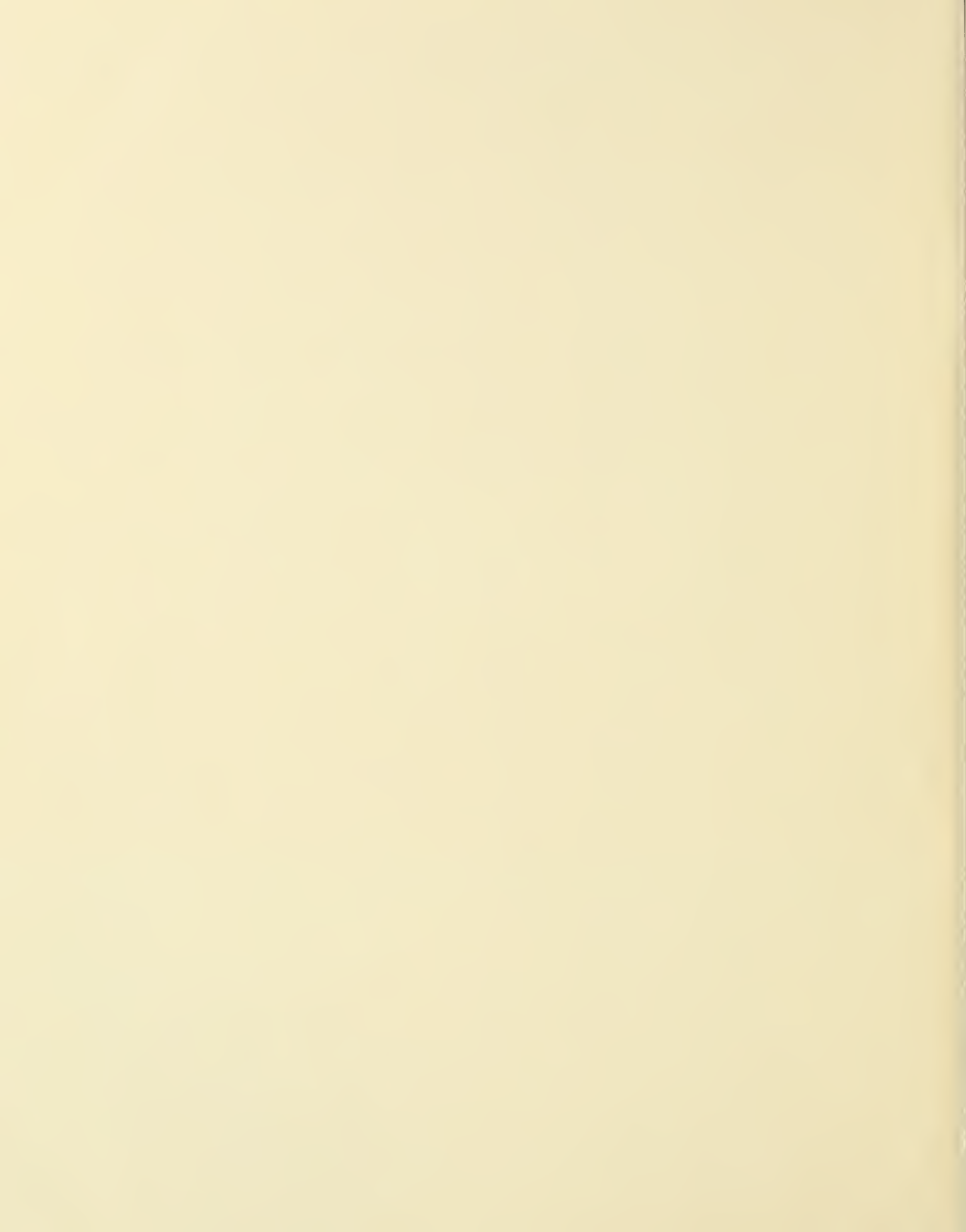
Supreme Court Building, Washington, D.C. 20544

Boston Public Library
Superintendent of Documents

JUL 19 1965

DEPOSITORY





Publication No. 103

The PRESENTENCE
INVESTIGATION
REPORT ❖ ❖ ❖ ❖ ❖

Division of Probation

US ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Supreme Court Building, Washington, D.C. 20544

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C., 20402 - Price 35 cents

□ 1959 □

9979

~~2312~~
~~1.5~~

KF9685

29A3X

Foreword

In March 1963 a permanent committee of the Judicial Conference of the United States was created to assist the Administrative Office of the United States Courts in its administration of the Federal Probation System. One of the immediate concerns of the committee was the lack of uniformity in presentence reports prepared by probation offices in the 92 district courts throughout the United States.

At the request of the committee and in consultation with a staff committee of special consultants (see p. ix), the Administrative Office produced this monograph, *The Presentence Investigation Report*. It is a revision of the 1943 manual of the same title and includes a presentence report outline and format—developed by the Committee with the approval of the Judicial Conference—to serve jointly the needs of the courts, the Bureau of Prisons, and the Board of Parole.

This monograph is concerned with one of the most important and difficult functions of the probation officer. It will serve as a guideline to probation officers in preparing their presentence reports. If the principles enunciated in the monograph are carefully followed, there will be greater uniformity in report writing, reports of a higher quality will be achieved, and the courts will be assisted in understanding the problems, needs, and concerns of the individual defendant and in arriving at an appropriate sentence.

Judges, correctional workers in institutions, and paroling authorities will find this monograph of special interest and help in dealing with offenders. It can be used as a resource document by sentencing institutes, for preservice and inservice training in corrections, and by colleges and universities in preparing students for the legal profession and the correctional field.

WARREN OLNEY III,
*Director, Administrative Office
of the United States Courts.*

February 1965.



Preface

Diligence and care must be exercised in selecting the right kind of sentence to help a defendant become a law-abiding, self-respecting, responsible person. The presentence investigation report, with which this monograph deals, is an indispensable aid to the court in arriving at a sentence that will serve the best interests of the defendant, his family, and society. Recognized authorities in the judicial and correctional fields recommend that a presentence report be prepared on all offenders, regardless of the nature of the offense.

In the Federal court system, when a defendant is committed to the custody of the Attorney General, copies of the presentence report are sent to the Bureau of Prisons institutions to assist them in conducting their preliminary diagnostic study and in formulating with dispatch a treatment and training program. The report is also studied by the Board of Parole in its consideration of an inmate for parole. If the report is to serve the courts, the Bureau of Prisons, and the Board of Parole efficiently and adequately, there must be some degree of uniformity in the quality, general coverage, outline, and makeup of the report.

As a part of a closely integrated network of field offices serving all district courts in the 50 States, the District of Columbia, the Canal Zone, Guam, Puerto Rico, and the Virgin Islands, Federal probation officers may be called on to prepare a presentence report for any one of the 92 district courts. For this reason also, it is essential that some uniformity be maintained in the outline, format, and contents of the report; however, the probation officer should still have sufficient flexibility and leeway to present the respective problems and needs of the individual offender in a meaningful way.

Recognizing the general lack of uniformity in the quality, coverage, and makeup of presentence reports in the 177 field offices of the Federal Probation System, the Judicial Conference Committee on the Administration of the Probation System appointed in May 1963 a subcommittee to study presentence investigation reports in the Federal courts and to recommend how their quality may be improved and how conformity in both outline and format may be achieved.

At the September 1963 meeting of the Judicial Conference of the United States the Committee on the Administration of the Probation System "requested and was granted authority to study and develop an

official format and outline for all presentence reports to the end that they not only be uniform in quality and coverage, but also that they serve jointly the needs of the courts, the Bureau of Prisons, and the Board of Parole" (quoted from the Report of the Proceedings of the Judicial Conference of the United States, September 17-18, 1963, p. 97).

In carrying out its assignment the subcommittee recommended that the official outline and format to be developed be incorporated in the revision of the monograph on presentence investigation reports, published in 1943, which was being undertaken by the Probation Division of the Administrative Office of the United States Courts. A committee of consultants was invited by the subcommittee to work with it, the Probation Division, and the Federal Probation System in developing the outline and format and in recommending what the general contents of a presentence report should be. *The Presentence Investigation Report*, presented here, is the product of their diligent and systematic work. The monograph was unanimously approved by the Committee on the Administration of the Probation System on February 11, 1965, and is recommended as a guide to all probation officers in conducting their presentence investigations and in writing their reports.

The official outline adopted by the Committee on the Administration of the Probation System is that shown on page 9 of the monograph. The face sheet (Probation Form No. 2) approved by the committee for all presentence reports appears on page 8. The suggested contents for each of the marginal headings in the approved outline are given starting on page 9. The items listed under *essential data* are those which should appear in all presentence reports. Those listed under *optional data* will appear in many reports, depending on the requirements in the specific case. The officially approved format for the presentence report is presented in the appendix of the monograph.

The Presentence Investigation Report is based on the best concepts, principles, and practices in presentence report writing. It should help probation officers and judges alike to move more surely toward our goal of greater uniformity in presentence reports, more consistent coverage of pertinent data, and reports of a distinctly professional nature. The Committee on the Administration of the Probation System recommends that this monograph be studied with special care by all probation officers and judges.

The Subcommittee on Presentence Reports and Supervision, the Probation Division of the Administrative Office, the 14 members of the committee of consultants, and the more than 70 probation officers who were consulted on various phases of the outline and contents of the presentence report and who offered many thoughtful and helpful suggestions, are to be commended for the splendid service they have rendered in the preparation of this document.

Mr. Victor H. Evjen, Assistant Chief of the Division of Probation, Administrative Office, was the principal author of the earlier monograph of 1943. He is also the principal draftsman of the revision of 1965. The thanks of the Federal Probation System as well as our own are due him for his arduous and admirable work. Appreciation is also expressed to each member of the Judicial Conference Committee on the Administration of the Probation System for their encouragement, advice, and editorial interest in revising this monograph.

THOMAS M. MADDEN,
*Chairman, Subcommittee on Presentence
Reports and Supervision.*

LUTHER W. YOUNGDAHL,
*Chairman, Committee on the Administration
of the Probation System.*

February 1965.

JUDICIAL CONFERENCE COMMITTEE ON THE ADMINISTRATION OF THE PROBATION SYSTEM

- Hon. LUTHER W. YOUNGDAHL, District of Columbia, Chairman.
Hon. WILLIAM B. HERLANDS, Southern District of New York.
Hon. WALTER E. HOFFMAN, Eastern District of Virginia.
Hon. FRANK M. JOHNSON, Jr., Middle District of Alabama.
*Hon. THOMAS M. MADDEN, District of New Jersey.
Hon. JOHN W. OLIVER, Western District of Missouri.
*Hon. JAMES B. PARSONS, Northern District of Illinois.
Hon. FRANCIS L. VAN DUSEN, Eastern District of Pennsylvania.
Hon. ALBERT C. WOLLENBERG, Northern District of California.

*Member of Subcommittee on Presentence Reports and Supervision.

STAFF COMMITTEE

- J. F. BAKER, Associate Warden, United States Penitentiary, Terre Haute, Ind.
- WILLIAM A. COHAN, Jr., Assistant Chief of Probation, Administrative Office of the United States Courts.
- EDWIN J. COVENTRY, U.S. Probation Officer, United States District Court, Western District of Washington.
- RICHARD J. HEANEY, Deputy Assistant Director, Federal Bureau of Prisons.
- PAUL W. KEVE, Director, Department of Court Services, Minneapolis, Minn.
- WAYNE L. KEYSER, Deputy Chief Probation Officer, U.S. District Court, Northern District of Illinois.
- HENRY P. LONG, U.S. Probation Officer, U.S. District Court, Eastern District of Virginia.
- PATRICK McKEGNEY, M.D., Chief Medical Officer, National Training School for Boys.
- C. ALEXANDER RHEINER, Chief Probation Officer, U.S. District Court, District of New Jersey.
- ARNOLD RICHARDS, M.D., Chief Medical Officer, Federal Reformatory, Petersburg, Va.
- SALEEM A. SHAH, Ph. D., Chief Clinical Psychologist, Legal Psychiatric Services, Washington, D.C.
- CHARLES E. SMITH, M.D., Medical Director, Federal Bureau of Prisons.
- Mrs. AMY T. TIPTON, U.S. Probation Officer, U.S. District Court for the District of Columbia.
- FRANK T. WATERSON, Chief Probation Officer, U.S. District Court, Northern District of New York.
- Mrs. GRACE T. WOODBURN, Division of Probation, Administrative Office of the United States Courts, Secretary to the Staff Committee.



Contents

	Page
FOREWORD	iii
PREFACE	v
THE PRESENTENCE INVESTIGATION REPORT	1
Its Functions and Objectives	1
The Probation Officer's Part in the Investigation	2
Start Where the Defendant Is	2
The Worksheet	2
Tangible Facts Not Enough	3
When Another Office Is Called On To Assist	3
Investigations Prior to Conviction or Plea	4
Discussion of the Report With the Judge	4
Confidential Nature of the Report	4
OUTLINE, CONTENTS, AND FORMAT OF THE REPORT	7
Identifying Information	7
Face Sheet	8
Presentence Report Outline	9
Offense	9
Defendant's Version of Offense	10
Prior Record	11
Family History	13
Marital History	14
Home and Neighborhood	15
Education	15
Religion	16
Interests and Leisure-Time Activities	16
Health	17
Employment	18
Military Service	19
Financial Condition	20
Evaluative Summary	20
Recommendation	20

	Page
SOME GENERAL SUGGESTIONS.....	23
Writing the Report.....	23
Objectivity and Accuracy.....	23
Indicating Sources of Information.....	23
Selectivity in Writing the Report.....	24
Brevity.....	24
Style and Format in Writing the Report.....	25
Use of "Label" Terms.....	25
Technical Words and Phrases.....	25
Verbatim Reporting.....	26
BIBLIOGRAPHY.....	27
APPENDIX.....	28

The Presentence Investigation Report

Its Functions and Objectives

The presentence investigation report is a basic working document in judicial and correctional administration. It performs five functions: (1) to aid the court in determining the appropriate sentence, (2) to assist Bureau of Prisons institutions in their classification and treatment programs and also in their release planning, (3) to furnish the Board of Parole with information pertinent to its consideration of parole, (4) to aid the probation officer in his rehabilitative efforts during probation and parole supervision,¹ and (5) to serve as a source of pertinent information for systematic research.

The primary objective of the presentence report is to focus light on the character and personality of the defendant, to offer insight into his problems and needs, to help understand the world in which he lives, to learn about his relationships with people, and to discover those salient factors that underlie his specific offense and his conduct in general. It is not the purpose of the report to demonstrate the guilt or the innocence of the defendant.

Authorities in the judicial and correctional fields assert that a presentence investigation should be made in every case. With the aid of a presentence report the court may avoid

committing a defendant to an institution who merits probation instead, or may avoid granting probation when confinement is appropriate.

Probation cannot succeed unless care is exercised in selecting those who are to receive its benefits. The presentence report is an essential aid in this selective process.

Where the defendant is committed to the custody of the Attorney General, copies of the presentence report are sent to the institution. The institution relies on the report for pertinent data relating to the kind and degree of custody required by the defendant, needed medical attention, and the needs, capacities, and problems of the individual. These data will aid the institution in making its preliminary diagnostic study and in promptly formulating a treatment and training program. Moreover, the presentence report not only saves the time and effort of the institution in procuring essential community and family information about the defendant, but also gives this necessary information more completely and accurately than can be obtained by the institution through correspondence and questionnaires.

In considering whether to grant or deny parole, the Board of Parole finds in the presentence report helpful information not only about the offender's personal and social adjustment prior to commitment, but also about his relationships within the community to which he may return.

¹ The Federal probation officer also supervises persons released from Federal correctional institutions and the U.S. Disciplinary Barracks.

The Probation Officer's Part in the Investigation

The probation officer has the important task of gathering information about the defendant; evaluating, assimilating, and interpreting the data; and presenting them in a logically organized, readable, objective report. Each defendant should be investigated without any preconception or prejudgment on the probation officer's part as to the outcome of the defendant's case.

The probation officer must be completely objective and impartial in conducting the investigation and in writing the presentence report. He not only reports the tangible facts in the case, but also such subjective elements as the defendant's attitudes, feelings, and emotional reactions. He presents them so as to give to the court an accurate, unbiased, and complete picture of the defendant and his prospects for becoming a law-abiding, responsible citizen. Every effort must be made to check the accuracy of information which is likely to be damaging to the defendant or to have a definite bearing on the welfare of the family and the safety of the community.

Verifications should be obtained, wherever possible, in documentary form such as letters, facsimiles, and certified statements. The Probation Division has prepared a series of forms which serve as a practical device for obtaining verified information as to prior arrests, employment, military service, education, medical history, birth, and marriage and divorce.

Wherever possible, a defendant should be seen more than once in the course of the investigation. Seldom does a defendant reveal his true self in a single interview. Often it takes more than one interview to establish a

cooperative relationship and to give the defendant confidence in the probation officer.²

If the investigation discloses information that is substantially different from statements given by the defendant, the probation officer should reinterview the defendant and resolve the conflicting statements. This will assist the probation officer in determining the motivation behind any erroneous statements and will help to explain the defendant's personality and character.

Generally, the probation officer should have 2 to 4 weeks to complete his investigation and write his report. If necessary, he should be given more time.

Start Where the Defendant Is

In conducting the investigation and in writing the presentence report, the probation officer should be primarily concerned with how the defendant thinks, feels, and reacts *today*. He starts with the defendant as he finds him—as of this moment—and includes in his report no more from the past than what is believed essential to help the court understand the defendant as he is *today*. This is not to say that early developmental influences have no relevance to current behavior. However, a mere recitation of experiences, relationships, and circumstances, without relating them to the present picture, offers little or no insight in understanding the defendant's present thinking, feeling, and behavior.

The Worksheet

Each probation system has some type of worksheet. In the Federal Probation System

² See articles on the initial interview, by Henry L. Hartman, M.D., in the September and December 1963 issues of *Federal Probation*.

it is known as Probation Form No. 1. It is essential that all offices use the latest revision of this form.

The form is not intended to be a presentence investigation report itself but rather a guide for the probation officer in gathering basic factual information. From this information on the worksheet he selects, evaluates, and assembles the data under the major headings of the presentence report.

Tangible Facts Not Enough

A presentence report is more than a compilation of tangible facts. Facts about family composition, employment, health, and so on, have relatively little value unless they are interpreted in relation to the defendant and how he thinks, feels, and behaves. Such facts alone do not give an account of a living person—his character and personality in action. People in the report must come to life. Instead of giving an accumulation of cold facts the report should rather present a true, vivid, living picture of the defendant.

Facts are not limited to the tangible. Attitudes, feelings, and emotional responses are facts, too. Knowledge of these more or less intangible elements is essential to really know a person and what makes him behave as he does.

How the defendant feels about those with whom he comes in daily contact, what he thinks about his family, his peers, and his co-workers—and what he believes they think about him—are essential to an understanding of his relationships with people. Also significant are his feelings about baffling problems in his life, including his offense and his reaction to opportunities, accomplishments, disappointments, and frustrations. His moral values, his beliefs and his convictions, his fears, prejudices, and hostilities explain the “whys”

and “wherefores” of the more tangible elements in his life history.

Time, patience, and skill are required to uncover these more subjective factors and to develop their relevance, but they are basic in good report writing. Each of them should be interpreted in terms of the defendant’s family background, culture, and environment, and in relation to the groups with whom he has associated and is closely identified. Even an untrained investigator can pull together the bare facts required in a presentence report and assemble them in an established outline and format. But the ability to select the pertinent data, to distinguish between factual data and inferences, to draw out the subjective elements, and to assess their relative importance in the personality makeup and the needs of the defendant, differentiate the trained and skilled probation officer from the untrained and inexperienced probation officer.

When Another Office Is Called On To Assist

When another Federal probation office is called on to assist in developing a presentence report, it should be made clear what specific information is desired, when the information is needed, and the probable date of sentence. No more information should be requested than is required.

The same procedure applies when requesting information from cooperating welfare agencies, institutions, and State and local probation and parole offices. The request should include sufficient data to enable the officer of the cooperating district or agency to make an intelligent inquiry.

When a request is made of another Federal probation office for a *complete* investigation report, the following minimum data should be supplied on the form 1 worksheet, if possible, or in a letter: true name; place of residence

and exact address (including apartment number); birthdate; sex and race; date of arrest; status of custody; brief summary of the offense; defendant's statement; prior record; names and addresses of parents, brothers, and sisters, and other relatives close to the defendant; and places of employment. Specific directions for locating persons to be interviewed should be supplied wherever possible.

When the cooperating probation office is asked to write the report in presentence form, the office for the court in which sentence is to be pronounced (office of origin) will determine how it wishes to present the report to the court. The report from the second office may be appended to the report prepared by the office of origin or may be incorporated as a part of it. If the report from the second office is to be incorporated in the report of the office of origin, it would be desirable to indicate what information comes from the second office.

Investigations Prior to Conviction or Plea

Where a court is not continuously in session and the judge sits for only short periods in the various places of holding court a probation officer may find it difficult to complete the presentence reports within the limited time available. In these circumstances some courts request that investigations be conducted prior to conviction or plea. When such a request is made, the probation officer should ask the defendant after having advised him of his right to the advice of counsel, to sign the Probation Division's form authorizing the probation officer to institute the investigation. It is also desirable to have on file a letter from the defense attorney stating that he has no objection to the probation officer beginning the investigation prior to conviction or plea.

As provided by rule 32(c)(1) of the Federal Rules of Criminal Procedure, the presentence

investigation report shall not be submitted to the court or its contents disclosed to anyone unless the defendant has pleaded guilty or has been found guilty.

Discussion of the Report With the Judge

It is the practice of most judges to call the investigating officer into chambers to discuss the various aspects of the case as reflected in the presentence report. Where certain information in the report is unfavorable to the defendant, the judge may discuss these points with the probation officer in chambers.

Confidential Nature of the Report

The presentence investigation report is a confidential document and should not be available to anyone without the permission of the court. In some instances the court delegates to the probation office the responsibility for determining what information from the report may be disclosed.

The presentence report often contains highly privileged information about the defendant and his family and also confidential data from cooperating public and private welfare agencies, law enforcement officials, employers, and others who know the defendant. This information is frequently given to the probation officer with the understanding that it is to be kept confidential.

The defendant's family, which is the best source of information about him, frequently divulges confidential information which, if disclosed, can impair the relationship between him and his family.

Welfare agencies adhere to the principle of confidentiality. When they share their case file information with the probation office they rely on the probation office to comply with the

agencies' standards in the use of this information. They expect that the information will be used solely in the rehabilitation of persons under investigation and supervision by the probation officer.

Probation officers often have access to confidential information in the arrest and investigation reports of law enforcement agencies—Federal, State, and local.

An employer will be reluctant to supply information if he believes what he says will get back to the employee. There may be, for example, such on-the-job problems as drinking, quarrelsomeness, and lack of dependability.

Some defendants have had a close relationship with dangerous associates. If incriminating information about these persons is divulged, there is the risk of retaliation.

The family physician is often the source of information that is privileged as a matter of law.

A probation office will lose the respect and confidence of an informing person or agency if confidential information is disclosed. There will be a reluctance to give further informa-

tion. Eventually, sources of information will dry up and the value of the report will be seriously impaired. Therefore, the probation officer must be cautious and discreet to avoid divulging confidential information.

No presentence report should be read aloud in open court.

At all times there should be a cooperative relationship between the probation office and those institutions and agencies on which the probation office calls for information and professional assistance. A mutual exchange of information may be helpful not only to the respective agencies, but also to the probation office and the court.

The presentence investigation report eventually becomes a part of the defendant's case folder. The courts generally leave to the judgment of the probation office whether cooperating agencies should be permitted to read the case record—including the presentence report—or whether the desired information should be given by individual interpretation or written summaries.



Outline, Contents, and Format of the Report

Identifying Information

The following identifying information is requested on Probation Form No. 2, the first page of all presentence reports (see facsimile on p. 8).

DATE. Give the date the presentence report is typed.

NAME. Enter the name of the defendant as shown on the court record. Also insert the true name, if different, and any aliases.

ADDRESS. Give the present home address.

LEGAL RESIDENCE. Give the legal residence (county and State) if different from the present home address. Otherwise insert "Same."

AGE AND DATE OF BIRTH. Give the age on last birthday and the date of birth. Use the symbol "ver." when verified by an official source.

SEX.

RACE. Race is determined by ancestry; e.g., white, Negro, American Indian, etc. It should not be confused with national origin.

CITIZENSHIP. Give name of country. Citizenship refers to the country of which the defendant is a subject or citizen.

EDUCATION. Give highest grade achieved.

MARITAL STATUS. Single, married, widow, widower, divorced, legally separated, common law.

DEPENDENTS. List those entirely dependent on the defendant for support; e.g., "Three (wife and two children)."

SOCIAL SECURITY No.

FBI No.

DOCKET No.

OFFENSE. Give a brief statement, including statutory citation; e.g., "Theft of Mail (18 U.S.C. 1708)."

PENALTY. Insert statutory penalty for the specific offense. This should be obtained from the U.S. attorney in each instance. The probation officer should not attempt to state the penalty on the basis of his knowledge.

PLEA. Nature and date.

VERDICT. Date.

CUSTODY. Give status (summons, personal or surety bond, recognizance, jail) and period in jail.

ASSISTANT U.S. ATTORNEY. Give name of the assistant U.S. attorney handling the case.

DEFENSE COUNSEL. Give name and address. When appointed by court, this should be indicated.

DETAINERS OR CHARGES PENDING. Give the name and address of the office issuing the detainer or preferring the charge. Also give the dates action was taken.

CODEFENDANTS. Enter the names of codefendants, if any, and status of their respective cases. If there are no codefendants, insert "None."

The following information, below the double rule on form 2, is inserted after the final disposition of the case:

DISPOSITION. Sentence imposed by the court.

DATE. Date of sentence.

SENTENCING JUDGE.

UNITED STATES DISTRICT COURT
Eastern District of Michigan
PRESENTENCE REPORT

NAME John Jones DATE October 14, 1964

ADDRESS 1234 Beach Street DOCKET NO. 56971
Detroit, Michigan 48201

LEGAL RESIDENCE Same OFFENSE Possession of
Distilled Spirits
26 U.S.C. 5686(b)

AGE 38 DATE OF BIRTH 8-25-26 (ver.) PENALTY \$5,000 or 1 year,
or both

SEX Male RACE White

CITIZENSHIP United States PLEA Guilty, 2-14-64

EDUCATION High School VERDICT

MARITAL STATUS Married CUSTODY Personal Bond

DEPENDENTS Four (wife and three ASST. U.S. ATTY. James E. Carver
children)

SOC. SEC. NO. 000-11-2222

FBI NO. 678910 DEFENSE COUNSEL
Thomas Flanigan
781 Cadillac Tower
(Court Appointed)

DETAINERS OR CHARGES PENDING: None

CODEFENDANTS (*Disposition*) Case of Robert Allen pending

DISPOSITION

DATE

SENTENCING JUDGE

Presentence Report Outline

The presentence report outline adopted by the Judicial Conference Committee on the Administration of the Probation System on February 11, 1965, consists of the following marginal headings and the respective subheadings:

OFFENSE

- Official version
- Statement of codefendants
- Statement of witnesses, complainants, and victims

DEFENDANT'S VERSION OF OFFENSE

PRIOR RECORD

FAMILY HISTORY

- Defendant
- Parents and siblings

MARITAL HISTORY

HOME AND NEIGHBORHOOD

EDUCATION

RELIGION

INTERESTS AND LEISURE-TIME ACTIVITIES

HEALTH

- Physical
- Mental and emotional

EMPLOYMENT

MILITARY SERVICE

FINANCIAL CONDITION

- Assets
- Financial obligations

EVALUATIVE SUMMARY

RECOMMENDATION

In each presentence report the probation officer should follow the title and exact sequence of these headings.

The suggested contents for the marginal headings are given starting on this page. The items listed under *Essential Data* are those which should appear in *all* presentence reports. Those listed under *Optional Data* will appear in many reports, depending on their significance in the particular case. Each probation officer will determine which of the optional data are essential for the respective defendants under study and how each is to be treated.

In writing the report the probation officer need not follow the sequence of the *essential* and *optional* items. This may prove awkward, hinder readability, disrupt the trend of thought, and obstruct the logical development of the subject matter in question. He will have to shape the general content of the report according to the requirements of each case.

Offense

Official Version

Essential Data:

- Nature and date of plea or verdict.
- Brief summary of indictment or information, including number of counts, period covered, and nature, date(s), and place(s) of offense.
- Extent of property or monetary loss.
- Extent of defendant's profit from crime.
- Aggravating and extenuating circumstances.
- Nature and status of other pending charges.
- Days held in jail.
- Reasons for inability to divert (juvenile cases).

Optional Data:

- Date and place of arrest.
- Circumstances leading to arrest.
- Statement of arresting officers.
- Attitude of defendant toward arresting officers.
- Degree of cooperation.
- Where detained prior to trial or sentence.
- Amount of bond.
- Extent to which offense follows patterns of previous offenses.
- Relation of offense to organized crime or racket.
- Amount of loss recovered.
- Has full or partial restitution been made.
- Other violations involved in addition to those charged.

Statement of Codefendants

Essential Data:

- Extent of their participation in offense.
- Present status of their case.

Optional Data:

- Attitude toward offense.
- Attitude toward defendant.
- Their statement of defendant's participation in offense.
- Relative culpability of defendant in relation to codefendants and coconspirators.

Statement of Witnesses, Complainants, and Victims
(Optional.)

Comment. The official version of the offense may be obtained from the office of the U.S. attorney. The U.S. attorney's file will give the nature of the charge, details of the offense, statements of arresting officers, statements of codefendants, complainants, witnesses, and victims, and also a summary of the arrest record.

Apprehending and prosecuting officers will give greater emphasis in their reports to the offense, the prior arrest record, and the evidence that is essential to convict a person. They are not necessarily as concerned as probation officers are with the kind of person who commits the crime, the motivations underlying the offense, and his personal and social adjustment. The probation officer is interested in the crime and its details to the extent to which they tell something about the defendant. He knows the offense represents only one facet of the defendant's behavior in general and that there is no need in telling any more about the offense than what light it sheds on the defendant. It is not necessary, for example, to give check numbers, auto serial numbers, etc.

In giving the official version of the offense, involved legal terminology should be avoided.

It is important to have the *codefendant's version* of the offense and the extent to which he may have been a leader or an aggressor. His account can be as significant in interpreting the defendant's part in the offense as the defendant's "own story." The court is generally interested in knowing the relative culpability of the defendant in relation to codefendants or coconspirators.

The report should indicate whether the co-defendant has been apprehended and what disposition was made in his case.

Statements of *complainants, witnesses, and victims*, in some cases, can also help in understanding the defendant in relation to the offense he has committed. Their firsthand account of the offense and the defendant's attitude and conduct while carrying out the offense also can be helpful. It is important to know whether the victim is a possible contributor to the crime.

In assessing the nature of the offense and the underlying motives, the probation officer should not be carried away by the feelings, attitudes, and plight of the victim and the reactions of an indignant public. However, it must be remembered that the court before it places the defendant on probation, must be "satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby." (18 U.S.C. 3651.)

Defendant's Version of Offense

Essential Data:

- Summary of account of offense and arrest as given by defendant if different from official version.
- Discrepancies between defendant's version and official version.
- Extent to which defendant admits guilt.
- Defendant's attitude toward offense (e.g., remorseful, rationalizes, minimizes, experiences anxiety, etc.).
- Defendant's explanation of why he became involved in the offense.
- Extent to which offense was impulsive or premeditated.
- Environmental and situational factors contributing to offense, including stressing situations, experiences, or relationships.

Optional Data:

- Defendant's feelings from time of offense until his arrest.
- Defendant's reactions after arrest (e.g., defiant, relieved, indifferent, etc.).
- Defendant's attitude toward the probation officer and his degree of cooperation.

Defendant's attitudes toward prior convictions and commitments if they contribute to an understanding of the present offense.

Comment. Whatever the defendant says about the offense and his part in it is necessary to understand him. His statements may vary from that of the law enforcement officers and the U.S. attorney, but he is entitled, nevertheless, to make clear his part in the offense and to give his own interpretation of the circumstances and motivations underlying it.

Any extenuating and aggravating circumstances should be reported.

It is important to learn whether the offense was impulsive or carefully planned. The feelings of the defendant prior to the crime, during the commission of the crime, between the time of the crime and arrest, and after arrest are pertinent data in many instances. A person who had a feeling of remorse and concern before he was arrested is likely to be different from one who is neither remorseful nor much concerned until after he is apprehended. A person who carefully devises a plan, carries it out calculatingly and with confidence, and is caught because of some unanticipated circumstance or oversight, is likely to be different from one who commits a crime impulsively or who, with some reluctance, commits a crime in which he most likely will be caught.

The attitude of the defendant toward his offense is significant in determining whether he should be considered for probation. It must be kept in mind that some defendants may attempt to rationalize or justify their crime or even place the blame on someone else.

Prior Record

Essential Data:

Clearance with FBI, social service exchange and police departments and sheriffs' offices in respective localities where defendant lived.

Juvenile court history.

List of previous convictions (date, place, offense, and disposition).

List of arrests subsequent to present offense (date, place, offense, and disposition).

Military arrests and courts martial (date, place, offense, and disposition) not covered in *Military Service* (see text).

Institutional history (dates, report of adjustment, present release status, etc.).

Previous probation and parole history (dates, adjustment, outcome).

Detainers presently lodged against defendant.

Optional Data:

Defendant's explanation why he was involved in previous offenses.

Codefendants in previous offenses.

Comment. The identification record (fingerprint record) of the Federal Bureau of Investigation is the best source of information on the arrest record of a defendant. Through the office of the U.S. marshal the FBI sends a copy of the fingerprint record to the probation office. Although the FBI record has a fairly complete coverage of arrests and convictions, it is recommended that the probation office also clear with local identification bureaus, police departments, and sheriffs' offices in those cities and communities in which the defendant has resided. Particularly in smaller communities, they may have information about the defendant's reputation and his general attitude and behavior at the time of the offense.

Clearances with social service exchanges will give information regarding juvenile court contacts. Where there are no exchanges, the probation officer should check any case where it seems likely the defendant (or his parents in neglect and dependency cases) may have a juvenile court record.

Where the FBI fingerprint record does not give the disposition of a case, the probation officer should communicate with the law enforcement office which filed the print or the court in which the case was tried.

If the defendant has an institutional record, the date of commitment and release, the insti-

tutional adjustment, and the present release status should be determined by writing to the institution.

Petty offenses and misdemeanors, including arrests for drunkenness and disorderly conduct, may be summarized in a single paragraph, giving the period during which the offenses occurred, the nature of the violations, and the dispositions.

A succession of offenses resulting in acquittals, or arrests which do not result in prosecution, may reveal something significant about the defendant and may also be summarized in a single paragraph.

An extended record of traffic violations should be summarized in a single paragraph.

Where the defendant admits arrests which are not reflected in official arrest records, the report should indicate they are by his admission.

Prior convictions should be listed according to (1) *juvenile* and (2) *adult* offenses and in chronological order under each of the two headings. Serious military offenses which resulted in incarceration and also those which have a civil counterpart should be listed under adult offenses. The prior convictions should be set up as follows:

PRIOR RECORD:

Juvenile

<u>7-2-40</u> (Age 13)	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
	Petty theft	Detroit	1 yr. probation

While in the 9th grade at junior high school the defendant and a classmate, age 15, each took a bicycle from the school's bicycle stand. They were arrested the following day and brought to the Wayne County Juvenile Court. Both were placed on probation for 1 year. According to the Juvenile Court, the defendant completed his probation satisfactorily.

Adult

4-14-55 (Age 28)	Conspiracy to steal and receive stolen property	Detroit	3 yrs. probation and \$150 costs
---------------------	---	---------	----------------------------------

The defendant was convicted in the Wayne County Recorder's Court of the theft of approximately 3,000 pounds of body solder from the Ford Motor Company (value \$614). As a truck driver for a parts manufacturing company, the defendant made frequent trips to the Ford Motor Company. It was through his contacts there that the solder was loaded on his truck. Later, attempts were made to sell it to scrap metal dealers. He was involved with three other men, including a Detroit police sergeant who was the defendant's brother-in-law. On 10-31-55 he was placed on probation for 3 years and ordered to pay \$150 costs. He was discharged from probation 10-31-58 "with improvement" (verified by Recorder's Court).

Under each offense include institutional record in a separate paragraph, giving dates of custody, escapes and returns, type of release, and expiration of sentence.

Family History

Defendant

Essential Data:

Date, place of birth, race.

Early developmental influences (physical and emotional) that may have a significant bearing on defendant's present personality and behavior.

Attitudes of the father and the mother toward the defendant in his formative years, including discipline, affection, rejection, etc.

By whom was defendant reared, if other than his parents.

Age left home; reasons for leaving; history of truancy from home.

Relationship of defendant with parents and siblings, including attitudes toward one another.

Extent of family solidarity (family cohesiveness).

Relatives with whom defendant is especially close.

Optional Data:

Naturalization status (country of birth and place and date of entry into United States).

Order of birth among siblings.

Parents and Siblings

Essential Data:

(All information optional.)

Optional Data:

Parents (name, age, address, citizenship, naturalization status, education, marital status, health, religion, economic status, general reputation). If deceased, also give age at death and cause.

Siblings (same as parents, above).

History of emotional disorders, diseases, and criminal behavior in the family.

Attitude of parents and siblings toward defendant's offense.

Comment. No more of the family background should be included in the report than is necessary to understand the defendant and

to help him in his personal and social adjustment. As has already been emphasized, the probation officer should start where the defendant is *now*.

Defendant. Attitudes and relationships between the defendant and his parental family are especially significant if the defendant lives or has regular contact with them. In some instances where there is little or no contact, it may be helpful to determine what relationships exist and what effect it has on the defendant.

Are there interfering relatives?

Include here the defendant's role in the parental family as he sees it, particularly if he is single. Does he feel he is part of the family, that he is wanted, appreciated, understood? Does he feel left out, discriminated against, rejected?

What does he say that is favorable about his parental family? What is unfavorable? What family problems and relationships disturb him and with which ones is he unable to cope? What the defendant thinks about his parental home, family background, and family relations will help the probation officer to understand why he thinks, responds, and behaves as he does.

Parents and siblings. The probation officer should resist the tendency to give in the report too much extraneous information about parents and siblings. Such information as dates and places of birth, residence, health, education, religion, employment, and earnings may, in some instances, have little or no relevance.

What is the cultural background of the family? What family influences are apparent? What stabilizing factors are there in the parental family? To what community agencies is the family known?

As a general rule detailed information about the family is more pertinent in understanding juvenile and youth offenders than it is in the case of the older offender.

Data about each member of the parental family may be presented in the following for-

mat, giving the name, age, and address in each instance:

Father. Donald Jones, died in 1958 from a heart attack at age 52. For 17 years prior to his death he worked as a cook at various restaurants.

Mother. Violet (nee Thomas) Conrad, 54, lives at 1928 Chestnut Street, Detroit, with her second husband, Noel Conrad, a factory worker. She is employed as a cook at a bar and restaurant.

Brother. William Jones, 35, 423 Elm Street, Ann Arbor, Michigan, is married, has two children, and is employed in his own business as a house painter. He has not been seen by the defendant in 5 years. They are distant in their relationship.

Sister. Mary Louise Jones, 32, 5127 Foster Avenue, Detroit, single, is a saleslady with the Hudson Department Store. The defendant has always maintained close ties with his sister. She visits the defendant's family every other week.

Marital History

Essential Data:

Present marriage, including common law (date, place, name and age of spouse at time of marriage).

Attitude of defendant toward spouse and children and their's toward him.

Home atmosphere.

Previous marriage(s) (date, place, name of previous spouse, and outcome; if divorced, give reasons).

Children, including those from previous marriage(s) (name, age, school, custody, support).

Optional Data:

Significant elements in spouse's background.

History of courtship and reason for marriage.

Problems in the marriage (religion, sex, economics, etc.).

Attitude of spouse (and older children) toward offense.

Attitude of defendant and spouse toward divorce, separation, remarriage.

Contacts with domestic relations court.

Juvenile court record of children.

Social agencies interested in family.

Divorce data (including grounds, court, date of final decree, special conditions, and to whom granted).

Comment. A disorganized family life can contribute in large measure to unbecoming

conduct. The wife can be a contributing factor to the defendant's difficulties with the law. It is just as important to know about the wife's personality and character, and her problems and needs and social adjustment, as it is to have that knowledge about the defendant.

The wife can be a valuable source of information about the family and the marriage relationship. It is not sufficient to have only the defendant's account of the marriage. The wife's statements can be significant, too. She should be interviewed by the probation officer regarding many of the defendant's problems and needs. No presentence report is complete without interviewing her. But it should be kept in mind that the wife can also be a biased informant. She can be against her husband or be protective of him.

Sometimes neighbors and relatives can throw considerable light on the marriage relationship.

The attitudes between husband and wife, and their relationship with one another and the children, may have a significant bearing on the emotional responses of the defendant and his behavior in general. It is important to know how both husband and wife assess their marriage and their family life and what

their children mean to each of them. It is helpful to know what family problems each finds especially difficult to cope with. The probation officer should know in what ways they are not compatible and what problems each creates in the home. He should know to what extent the marriage has not been successful and what history of discord there may have been in previous marriages.

What stabilizing influence can the wife and children have? To what extent can the wife help resolve his problems and needs and in what ways can he help her? She may need help, too.

It should be known with what welfare agencies the family has had contact.

Home and Neighborhood

Essential Data:

Description of home (owned or rented, type, size, occupants, adequacy, and general living conditions).

Type of neighborhood, including any desirable or undesirable influences in the community.

Attitude of defendant and family toward home and neighborhood.

Optional Data:

Date moved to present residence and number of different residences in past 10 years.

How long has defendant lived in present type of neighborhood.

What race, nationality, and culture predominate.

Prior home and neighborhood experiences which have had a substantial influence on the defendant's behavior.

Comment. In commenting on the home the probation officer is interested not only in the type of construction, costs, size, conveniences, and furnishings. He is also interested in what they reflect about the cultural background and the social and economic status of the family. What do they mean to the family in terms of attitudes, feelings, and relationships, and in what ways do they affect the behavior of the family members?

What the defendant and his wife are willing to put up with in the home and neighborhood tells something about them. How do they feel about the home? Are they dissatisfied with what they have? Does the wife feel her husband should have provided a better home? Is he disturbed by the way she keeps their home? Do the conditions of the home suggest any breakdown in the personality of the defendant or his wife?

Are the husband and wife trying to maintain a home above their earning capacity? Is the home a financial burden?

Meaningless "label" terms should be avoided in describing the home. Moreover, the probation officer should not judge the home by his own standards or by the way his wife keeps their home. Rather, it should be judged by what is expected in the general neighborhood. And it should be remembered that a nicely furnished and well-maintained home does not necessarily mean that family life is well organized.

In describing the neighborhood it is not only important to know about neighborhood influences—good and bad—but also to know how the defendant and his family feel about the area and what effect living in the area may have on their feelings, status, and behavior.

Education

Essential Data:

Highest grade achieved.

Age left school and reason for leaving.

Results of psychological tests (IQ, aptitude, achievement, etc.), specify test and date.

Optional Data:

Last school attended (dates, name, address).

Previous schools attended covering 5-year period (dates, name, address).

School adjustment as evidenced by conduct, scholastic standing, truancy, leadership, reliability, courtesy, likes and dislikes, special abilities and disabilities, grades repeated, and relationships with pupils and teachers.

Business and trade training (type, school, dates).
Defendant's attitude toward further education and training.
Ability to read and write English.

Comment. The school is a valuable source of information about the defendant, particularly in juvenile and youth offender cases. Through its teachers, attendance officers, guidance counselors, social workers, and school nurses it has accumulated pertinent information about the family and family relationships.

Only so much of the school record as will help understand the defendant as he responds and behaves *today* should be included in the report. Any significant patterns of behavior which persist from schooldays should be reported.

Reactions to schools, teachers, and classmates are important in juvenile and youth offender cases.

Religion

Essential Data:

Religious affiliation and frequency of church attendance.

Optional Data:

Church membership (name, address, pastor).
Member of what church organizations.
What has religious experience meant to defendant in the past and at present.
What are defendant's moral values.
What is the pastor's impression of the defendant.

Comment. Centuries of human experience have given testimony to the dynamic qualities of religion. Depending on the defendant's past church experiences, a renewal of interest in church affiliation or religious expression may be a significant factor in helping him overcome some of his difficulties. If church participation had meaning for him at one time, it may be important to know at what point and for what reason he lost interest in church activities. His clergyman may be in a position to

tell how his church experience in the past may be utilized in his reclamation. He can also be of assistance in pointing out the defendant's strengths and weaknesses.

Of what importance is his church participation and religious experience? Where there is no history of church affiliation it would be helpful to know what guides the defendant follows for his moral and spiritual values. It may be important to know where there are conflicts in family relationships because of differences in faith of family members.

Interests and Leisure-Time Activities

Essential Data:

Defendant's interests and leisure-time activities (including sports, hobbies, creative work, organizations, reading).
What are his talents and accomplishments.

Optional Data:

Who are his associates; what is their reputation.
Extent to which he engages in activities alone.
Extent to which he includes his family.
Extent to which his leisure-time pursuits reflect maturity.

Comment. How a person spends his leisure time may offer leads to problems the defendant might have in his social adjustment. The character and extent of his recreational pursuits and his special interests help the probation officer to understand the defendant's sense of values, social needs, outlook on life, and his goals. Frequently they tell something about the character of his family life and how they hold the family together or pull them apart.

Does the defendant have a well-balanced array of interests and recreational activities? Do physical or emotional handicaps limit him in his social relationships? With what groups does he identify? Is he a leader or a follower? What are his hobbies? What are his active sports interests? In what creative work is he engaged? To what organizations does he be-

long? Which of them may be a source of help in his social adjustment?

Health

Physical

Essential Data:

Identifying information (height, weight, complexion, eyes, hair, scars, tattoos, posture, physical proportions, tone of voice, manner of speech).

Defendant's general physical condition and health problems based on defendant's estimate of his health, medical reports, probation officer's observations.

Use of narcotics, barbiturates, marihuana. Social implications of defendant's physical health (home, community, employment, associations).

Optional Data:

History of serious diseases, including venereal disease, tuberculosis, diabetes (nature, date, effects).

History of major surgery and serious injuries (nature, date, effects).

Hospital treatment (hospital, dates, nature, outcome).

Last medical examination (date, place, pertinent findings).

Current medical treatment (prescribed medicine and dosage).

Use of alcohol.

Allergies (especially penicillin).

Mental and Emotional

Essential Data:

Probation officer's assessment of defendant's operating level of intelligence as demonstrated in social and occupational functions.

Personality characteristics as given by family members and as observed by probation officer.

Attitude of defendant about himself and how he feels others feel about him (parents, siblings, spouse, children, associates).

Social adjustment in general.

Social implications of mental and emotional health (home, community, employment, associations).

Optional Data:

IQ (support with test scores).

Findings of psychological and psychiatric examinations (tests, date, by whom given).

Emotional instability as evidenced by fears, hostilities, obsessions, compulsions, depressions, peculiar ideas, dislikes, sex deviation (include any history of psychiatric treatment).

Defendant's awareness of emotional problems and what he has done about them.

Comment. The probation officer is concerned with the social implications of the defendant's physical, mental, and emotional health as they relate to his family life, his relationships with people, and his ability to earn a living. It is not unusual for a defendant to say he has "good" health. But on further inquiry, health problems and concerns about health come into focus. It is important to know how the defendant actually feels about his health in general and to report what health conditions need special attention.

Where authorization is required to release medical information, a copy of a form authorizing release of confidential information should accompany the request.

Physical. Physical ills can lead to aberrations in behavior. Physical disabilities and deformities may be related to the offense and the defendant's behavior in general.

No more than is necessary to understand the defendant's present health condition should be included in the report. A listing of injuries, diseases, and surgery serves no purpose unless they have a bearing on the defendant's present health or are connected in some way with the offense. Ordinary childhood diseases or surgery without serious aftereffects would be classed as extraneous information. The test of what to include in the report should be: Is the disease, injury, or surgery likely to be related in any way to the defendant's present health and behavior?

Mental and Emotional. The statement of the defendant's mental health should be supported wherever possible by psychiatric and psychological reports. A mere diagnostic label serves little or no purpose. The diagnosis should be expressed in understandable terms in relation to the specific problems and needs of the defendant.

Whether or not an IQ is available, the probation officer should assess the defendant's operational level of intelligence as demonstrated in social and occupational functions.

As pointed out on page 3, "Tangible Facts Not Enough," it is important to know something about the attitudes, feelings, and emotions of the defendant and also his relationships with people. How does he feel about himself? In what ways does his image of himself differ from how others see him?

A description of the defendant's personality may be presented in this portion of the presentence report. In describing his personality and traits of character such descriptive labels as high strung, timid, sullen, boastful, impulsive, suspicious, remorseful, etc., may be used. But each should be supported by examples to help clearly portray the trait or quality.

Employment

Essential Data:

Employment history for past 10 years (dates, nature of work, earnings, reasons for leaving).

Employer's evaluation of defendant (immediate supervisor, where possible), including attendance, capabilities, reliability, adjustment, honesty, reputation, personality, attitude toward work, and relationships with coworkers and supervisors.

Occupational skills, interests, and ambitions.

Optional Data:

If unemployable, explain.

Means of subsistence during unemployment, including relief and unemployment compensation.

Comment. A job is different things to different people. It is a means of livelihood; to some it is pleasant and to others it is not so pleasant. Others regard it as a necessary evil—a frustrating experience. It can be status-giving. It can provide a feeling of belonging and fellowship with friendly people. Particularly in creative work, or employment requiring special skills, it gives a sense of achievement and a partnership in a worthwhile enterprise. One-third of an adult's life is spent on his job. Hence, a defendant's employment adjustment and his attitude toward his job can be significant factors in his personal and social adjustment.

Wherever possible, the employment history should be verified by each employer. What the employer (particularly the immediate supervisor) says about the defendant's job adjustment is significant. It may differ considerably from the statement of the defendant.

It is not necessary, in most cases, to report on the employment history beyond a 10-year period.

It is important to know in what ways the defendant's personality, physical condition, and appearance may have contributed to his spotty employment record and his inability to get and to hold a job. If he is unemployable, the nature of his limitations or handicaps might be mentioned again. (*Note: His disabilities and handicaps will have already been covered under Health.*)

The employment record should be set up in the following format, giving at the start of each paragraph the dates of employment, name of the employer, nature of work, and the salary or wage. This should be followed by the reason for leaving the job, an evaluation of the defendant's job adjustment, and an estimate of the skills achieved.

EMPLOYMENT:

September 1950 to April 1955 (4 years, 7 months). The defendant was employed at the Fitzsimmons Manufacturing Company, 3775 E. Outer Drive, Detroit, as a semi-truck driver at \$2 per hour (verified). Employment was terminated when he was arrested 4-10-55 for involvement in theft of material from the Ford Motor Company (see PRIOR RECORD).

May 1955 to February 1963 (7 years, 7 months). Employed at the Acme Manufacturing Company, 1400 E. Nine Mile Road, Ferndale, Michigan, as a stock handler and crib attendant at \$2.94 per hour (verified). The firm's records show that employment was terminated because of the defendant's arrest in the present case, that he had violated a shop rule by leaving the premises during the lunch period, and had failed to punch out or notify his foreman. When he returned to work 2 days later he was notified of his dismissal.

April 1963 to February 1964 (10 months). Employed as a tool-maker's helper at the Broaching Specialities, Inc., 1500 E. Eleven Mile Road, Madison Heights, Michigan, at \$2 per hour. According to the company he was a satisfactory employee and left voluntarily to accept a better-paying job.

February 1964 to present (9 months). Employed at the Vulcan Engineering Company, 222 Conner Street, Detroit, as a bench hand helper at \$2.49 per hour. His supervisor describes him as a dependable employee and believes he has the potential for advancing to a higher-skilled and better-paying job. His employer knows about his present offense.

The defendant's wife is employed as a saleslady at the Hudson Department Store where the defendant's sister is also employed. Her earnings are \$52 a week.

Military Service

Essential Data:

- Branch of service, serial number, and dates of each period of military service.
- Highest grade or rank achieved and grade or rank at separation.
- Type and date of discharge(s).
- Attitude toward military experience.

Optional Data:

- Inducted or enlisted.
- Special training received.
- Foreign service, combat experience, decorations and citations.
- Disciplinary action not covered in *Prior Record* (see text).
- Veteran's claim number.

Selective Service status (local board, classification, registration number).

Comment. The military service record of former military personnel should be obtained in each instance from the Military Personnel Records Center. Requests for information on active personnel should be sent directly to the defendant's commanding officer.

The medical history supplied by the Military Personnel Records Center should be reported under the marginal heading, *Health*. Only minor military offenses should be included here. As already pointed out, serious military offenses which resulted in incarceration

tion and also those which have a civil counterpart should be listed under *Prior Record*.

Financial Condition

Assets

Essential Data:

- Statement of financial assets.
- General standard of living.

Optional Data:

- Net worth statement.
- Property (type, location, value, equity).
- Insurance (type, amount, company).
- Checking and savings account (bank, amount).
- Stocks and bonds (type, value).
- Personal property (car, furniture, appliances).
- Income from pensions, rentals, boarders.
- Family income.
- Available resources through relatives and friends.

Financial Obligations

Essential Data:

- Statement of financial obligations.

Optional Data:

- Current obligations, including balance due and monthly payment (home mortgage, rent, utilities, medical, personal property, home repairs, charge accounts, loans, fines, restitution).
- Money management and existing financial delinquencies.
- Credit rating.

Comment. How a defendant handles his finances sometimes tells a lot about him—the things he buys, the number of items he purchases on time, regularity of payments, the extent to which purchases have been picked up for nonpayment. Knowledge of the defendant's debts and financial obligations helps the probation officer to understand the defendant. To what extent are there money-management problems and current delinquencies in the payment of financial obligations? The defendant's credit rating may offer helpful leads to his financial status.

Evaluative Summary

Essential Data:

- Highlights of body of the report.
- Analysis of factors contributing to present offense and prior convictions (motivations and circumstances).
- Defendant's attitude toward offense.
- Evaluation of the defendant's personality, problems and needs, and potential for growth.

Optional Data:

- Reputation in the community.

Comment. Writing the evaluative summary is perhaps the most difficult and painstaking task in the entire presentence report. It has a significant bearing on the future course of the defendant's life. It is here that the probation officer calls into play his analytical ability, his diagnostic skills, and his understanding of human behavior. It is here that he brings into focus the kind of person before the court, the basic factors that brought him into trouble, and what special helps the defendant needs to resolve his difficulties.

The opening paragraph of the evaluative summary should give a concise restatement of the pertinent highlights in the body of the report. There should follow in separate paragraphs those factors which contributed in some measure to the defendant's difficulty and also an evaluation of his personality. (*Note: A fuller description of his personality should appear under Health—Mental and Emotional.*)

Recommendation

Essential Data:

- Recommendation.
- Basis for recommendation.

Optional Data:

- Suggested plan, including role of parents, spouse, pastor, further education, future employment.
- Sentencing alternatives.

Comment. Some judges ask for the probation officer's recommendation regarding probation or commitment. Where recommendations are requested, they should be a part of the presentence report. If the judge does not wish to have the recommendations included as a part of the report, they may be given on a separate sheet which may be detached if the presentence report is later sent to an institution.

If it is recommended that the defendant be placed on probation, the proposed plans for residence, employment, education, and medi-

cal and psychiatric treatment, if pertinent, should be given. The part to be played in the social adjustment of the defendant by the parental and immediate family, the pastor, close friends, and others in the community should also be shown. If commitment is recommended, the probation officer should indicate what special problems and needs should receive the attention of the institutional staff.

Where the judge asks for sentencing alternatives, they may be included in this part of the report.



Some General Suggestions

Writing the Report

The presentence report should be dictated at the earliest possible time following the investigation. Notes “grow cold” if they are not dictated relatively soon. Moreover, the longer the delay, the greater is the chance of overlooking significant observations.

Prior to dictating, the worksheet information and other interview notes, together with reports and correspondence regarding the case, should be well organized. This is especially true in dictating directly to the stenographer. Attempting to organize notes during dictation results in a waste of time.

The probation officer who dictated the presentence report should sign the report—not the chief probation officer. It is not necessary to have the names of both the chief probation officer and the investigating officer on the report.

Objectivity and Accuracy

Objectivity is one of the essential attributes of a probation officer. Impartiality in his report writing will depend to a large extent on the degree of objectivity he has achieved. The trained and skilled probation officer will not read into situations what is not there. He recognizes his own prejudices and blindspots and makes allowances and adjustments for each of them. He is careful not to assess the defendant's behavior and actions on the basis of his

own standards of conduct and moral values. He does not allow himself to overidentify with the defendant. He guards against the psychological mechanisms of rationalization and projection. He rids himself of any preconceived notions about the defendant, for he knows that premature or snap judgments can be not only embarrassing to the defendant, the probation office, and the court, but damaging as well. He is never guilty of “slanting” a report.

Facts contribute to objectivity, but it is possible to misrepresent or distort facts. In evaluating or reporting the statements, impressions, and observations of collateral contacts, the reliability of the informant should be made clear in the report. Where there is an element of uncertainty about the informant's statement, this should be made known.

Inferences, impressions, and opinions are important at times and may have a place in the presentence report. But a clear distinction should be made between what is factual and what is inference. Facts are more likely to be presented accurately than inferences, impressions, and interpretations. It is better to say “Mr. Brown impresses one as honest and sincere” than to say “Mr. Brown *is* honest and sincere.”

Indicating Sources of Information

Sources of information should be shown in the report, not at the close of the report. In

reading about the defendant's employment record, for example, the reader should know whether the statement is given by the defendant himself, his wife, the employer, or some other source. When reporting that the defendant gets along well with his wife it is essential to know whether it is based on his statement only, the wife's, or the statement of each of them.

Ways in which the source may be reported are the following: "According to the defendant's wife . . ."; "The report from Central High School indicates that . . ."; "The defendant insisted that . . ."; "The report of the psychiatrist disclosed . . ."; "The defendant's pastor states . . ."

Unverified statements should be clearly shown as "unverified," "rumor," or "unconfirmed report." Immeasurable harm and irreparable injury may result from unverified information presented as fact.

Only in most unusual circumstances should a presentence report be based solely on the defendant's statement. When this is done, it should be made clear in the report, preferably at the beginning.

Selectivity in Writing the Report

The presentence report should not be cluttered with extraneous information which has little or no relation to the personality, character, and behavior of the defendant. Information about the defendant's birth and his early development, for example, may be irrelevant in the case of an adult who appears to have normal intelligence and seems to behave in a relatively normal way. Detailed information about family members with whom an adult defendant has had no contact in many years may be of little significance. A comprehensive school report will be more pertinent in understanding a juvenile or youth offender than a person in his forties and fifties.

A verbatim account of the indictment would seem to have no place in the report. A brief summary should suffice since the judge has before him the indictment or information from the official file of the court. A lengthy recital of every detail in the offense serves no purpose unless it tells something about the defendant, his personality, and his conduct in general.

An extended history of employment instability, family discord, similar types of offenses, inability to tolerate tedium, and the need to be on the go, do, of course, throw light on the defendant.

The average length of the presentence report should generally be six to eight pages of single-space typing on 8- by 10½-inch sheets. This does not include the face sheet (form No. 2), the evaluative summary, and any recapitulation the probation officer may carry at the close of the report.

Brevity

Needless repetition and wordiness should be avoided. Redundancy often occurs when the probation officer has no opportunity to edit a preliminary draft of the report before it is typed in final form. Too many persons tend to waste words.

All data in the report should be concise and to the point, but brevity should not be sought at the expense of completeness. Discriminating selection of relevant material is one means of shortening the report.

Negative statements of no significance should be omitted. The following "irrelevant negatives" contribute nothing to an understanding of the defendant. "This juvenile has had no military experience"; "The defendant had no brothers or sisters"; "There is no history of hospitalization for emotional disorders."

Complete, short sentences and paragraphs confined to a single topic or thought are an aid

to clarity and help to sustain the interest of the reader. In general, sentences should be brief. Paragraphs should be held to about 15 typed lines.

Style and Format in Writing the Report

Good report writing adheres to the rules of rhetoric. A good style need not be elaborate. A simple, direct, lucid style is most effective. Time and effort should not be wasted to achieve a dramatic effect. However, the report should be written so that the defendant comes alive. It should present him as a living person. Enlargement of descriptive vocabulary enhances the ability of the probation officer to describe for the court the kind of a person it has before it.

"Subject" should not be used in referring to the defendant; it is much too impersonal. The defendant is a human being to be helped. Some refer to him as "the defendant" and others prefer to call him "Mr. Brown" or by his first name if he is a juvenile or youth offender. An adult should never be referred to by his first name. The usual alternatives of "mother," "father," "sister," "wife" may be used as called for.

The repetitious use of "he said" should be avoided. Some more descriptive variations are: mentioned, asserted, replied, recalled, admitted, suggested, promised, emphasized, disclosed, revealed, divulged. Variations which describe the mood or manner in which the defendant made his statements are especially helpful, for example: objected, confided, argued, mumbled, interrupted, volunteered, contested, denounced, confessed, warned.

The probation officer should avoid the use of "I" in his reports. He should refer to himself as little as possible. Third person makes for readability.

The general format for setting up the presentence report is that shown in the facsimile in the appendix, starting on page 29.

Use of "Label" Terms

The use of generalized terms and unsupported adjectives should be avoided. These so-called "label" or "blanket" terms fail to define sharply the differences between persons, situations, and circumstances. Terms such as "disorderly home," "shocking conduct," "lacking in judgment," "poor disciplinarian," "undependable person," "makes a good living," "heavy drinker" have varied interpretations and meanings to different people. The judge, the probation officer, the defendant, the employer do not give the same evaluation to these vague terms.

"Highly emotional" gives little insight into the personality makeup of the defendant. A "bad" heart does not tell whether the defendant is bedridden or ambulatory, or to what extent he is handicapped or unable to work. Stating that the defendant can do "light work" has little significance because persons interpret "light work" differently. Medical diagnostic terms will have more meaning if the social and physical implications of the disease are spelled out.

If used at all, blanket terms should be supported by meaningful, descriptive information. For example, "irresponsible husband" may be followed by statements such as "fails to bring home the pay check"; "deserted the family 3 days last month"; "overlooks paying rent and utilities."

Cliches and stereotyped terms and phrases have no place in report writing.

Technical Words and Phrases

Technical words and phrases, in general, should be used only if they have wide usage and a common meaning. Such terms as sociopath, schizophrenic, moron, paranoid, sex psychopath, neurotic, psychotic, character

disorder—which often are used indiscriminately by the public and the press, and sometimes probation officers, too—have a distinctive professional meaning to psychiatrists and psychologists. They should be restricted to these specialists in behavior. The probation officer should not attempt to apply them on his own.

Where psychiatric, medical, or psychological terminology is used in the presentence report, it may be accompanied by an explanation of the diagnostic statements.

Verbatim Reporting

Verbatim reporting may be helpful at times in portraying the feelings, attitudes, and responses of a person. But the direct quotation should be used only if it gives a better picture of the defendant or the situation and circumstances than would a paraphrased statement.

Where quotation marks are used, the quoted portion should contain the *exact* words of the person quoted—not an interpolation. Moreover, the language should *not* be taken out of context. Meanings can be distorted or altered if any statement preceding or following, or any part of the quoted portion, is omitted.

Verbatim reporting is helpful for the unbiased picture it presents of the defendant's thinking processes, attitudes, and feelings, and the precise way in which he expressed himself. On the other hand, verbatim reporting is unreliable unless full notes are taken in the presence of the defendant. Recording direct quotations following the interview cannot be reliable. Without shorthand devices, the probation officer will have difficulty in recording word-for-word statements.

Handwritten statements by the defendant on certain aspects of the presentence investigation fall in the category of verbatim reporting and should be carried in quotes.

Bibliography

- BARTOO, CHESTER H. "Interviewing Candidates for Probation," *Federal Probation*, March 1961, pp. 19-23.
- FITZGERALD, EDMOND. "The Presentence Investigation," *NPPA Journal*, October 1956, pp. 321-336.
- GIARDINI, G. I. *The Parole Process*. Springfield, Ill.: Charles C. Thomas, 1959.
- GRONEWOLD, DAVID H. "Presentence Investigation Practices in the Federal Probation System," *Federal Probation*, September 1958, pp. 27-32.
- Guide for Court Investigations and Reports*. California Youth Authority, 1955.
- Guides for Sentencing*. Advisory Council of Judges of the National Probation and Parole Association, 1957.
- HALLECK, SEYMOUR L., M.D. "The Initial Interview With the Offender," *Federal Probation*, March 1961, pp. 23-27.
- HARTMAN, HENRY L., M.D. "Interviewing Techniques in Probation and Parole" (a series of four articles in *Federal Probation*, 1963).
- HOFFMAN, L. WALLACE. "Analysis of a Presentence Report," *Federal Probation*, December 1950, pp. 41-45.
- KEVE, PAUL W. "The Message in Mr. Piyo's Dream," *Federal Probation*, December 1961, pp. 11-15.
- . *The Probation Officer Investigates: A Guide to the Presentence Report*. Minneapolis: University of Minnesota Press, 1960.
- . "The Professional Character of the Presentence Report," *Federal Probation*, June 1962, pp. 51-56.
- MEEKER, BEN S. "Analysis of a Presentence Report," *Federal Probation*, March 1950, pp. 41-46.
- PERLMAN, HELEN HARRIS. *Social Casework: A Problem-Solving Process*. Chicago: University of Chicago Press, 1957.
- STUMP, LAWRENCE M. "Court Investigations and Reports," *Federal Probation*, June 1957, pp. 9-17.

Appendix

The presentence investigation report which appears on the following pages is presented to illustrate the outline, format, and style recommended in writing a presentence report. Names and dates in the report have been altered to protect the identity of the defendant.

UNITED STATES DISTRICT COURT
Eastern District of Michigan
PRESENTENCE REPORT

NAME John Jones DATE October 14, 1964
 ADDRESS 1234 Beach Street DOCKET NO. 56971
 Detroit, Michigan 48201
 OFFENSE Possession of
 Distilled Spirits
 26 U.S.C. 5686(b)
 LEGAL RESIDENCE Same
 AGE 38 DATE OF BIRTH 8-25-26 (ver.) PENALTY \$5,000 or 1 year,
 or both
 SEX Male RACE White
 CITIZENSHIP United States PLEA Guilty, 2-14-64
 EDUCATION High School VERDICT
 MARITAL STATUS Married CUSTODY Personal Bond
 DEPENDENTS Four (wife and three ASST. U.S. ATTY. James E. Carver
 children)
 SOC. SEC. NO. 000-11-2222 DEFENSE COUNSEL
 FBI NO. 678910 Thomas Flanigan
 781 Cadillac Tower
 (Court Appointed)
 DETAINERS OR CHARGES PENDING: None

CODEFENDANTS (*Disposition*) Case of Robert Allen pending

DISPOSITION

DATE

SENTENCING JUDGE

OFFENSE:

Official Version. The records of the Federal Alcohol and Tobacco Tax Unit reflect that the Ferndale, Michigan, Police Department received an anonymous call that two men were dealing in illegal whisky. Acting on this information, officers of the police department on February 8, 1964, trailed the defendant from the parking lot of his place of employment to the parking lot of a nearby market. He was observed using a telephone in an outdoor booth. Shortly afterwards he ran back to his parked car where he was joined by the codefendant, Robert Allen, who parked his car next to that of the defendant.

The police officers converged on the two parked cars and found in the defendant's car--the trunk of which was still open--a carton containing four 1-gallon jugs of illegal whisky and 12 empty pint-size whisky bottles. In the codefendant's car were found two empty jugs, both of which had the smell of alcohol. The men were taken into custody and later turned over to federal authorities.

An Alcohol Tax Unit officer stated that his agency had previous knowledge of the operations of these two men. Unconfirmed reports had been received that the illicit whisky originated from a still located on a farm owned by the codefendant's mother. A small quantity of illicit distilled spirits was seized by the police at the codefendant's place of business (a restaurant) following his arrest in the instant case. The agent considers the defendant to be the less culpable in that he was purchasing the illegal whisky from the codefendant for resale and is not believed to have had any part in the ownership or operation of the illicit distillery.

The defendant and codefendant were arraigned on a complaint and warrant on February 8, 1964, the day of their arrest. Both were released on a \$1,000 personal bond.

A one-count information was filed by the U. S. Attorney on February 14, 1964, charging that on or about February 8, 1964, the defendant and the codefendant did unlawfully possess certain property intended for use and used in violation of Chapter 51 of Title 26, Internal Revenue Code, to wit: distilled spirits for beverage purposes, in violation of 26 U.S.C. 5686(b). They were arraigned on the information on February 14, 1964. They were represented by counsel and entered pleas of guilty. Sentences were deferred pending a report from the Probation Department. The \$1,000 personal bond was continued.

Statement of Codefendant. The codefendant, Robert Allen, related to the ATTU agents that a few days prior to his arrest a customer in his restaurant asked him to deliver a package for him. He was given \$5 and a gallon of illegal whisky with instructions to deliver the package to the defendant at a prearranged place. He said he knew the defendant casually as a customer in his restaurant.

The codefendant denied emphatically that he knew the source of the illegal whisky or the identity of the person giving it to him. He did admit, however, that he knew it was illegal, but was willing to take the chance to make a few extra dollars. He asserts that he was caught and arrested the first time he attempted to deliver any illicit distilled spirits and denies that he was ever previously involved in any activity of this nature.

DEFENDANT'S VERSION OF OFFENSE:

The defendant related to the probation officer that approximately 2 months before his arrest he had met the codefendant, Robert Allen, at the coffee shop operated by Allen and members of his family. This was the start of a casual acquaintance. About 5 weeks prior to the arrest in the present offense, the codefendant said he could get illegal whisky for him and gave him several samples. The defendant took the samples to his place of employment. His fellow workers liked it and were interested in making purchases.

The defendant then purchased, on two different occasions, about 8 gallons of distilled spirits from the codefendant, paying \$9 per gallon. He resold it to his fellow employees for \$11 per gallon. The defendant insists he did not know from where the codefendant procured the illegal whisky. He stated, moreover, that he was making his third purchase of illegal whisky from the codefendant when he was arrested. He would call the codefendant whenever he wanted the illegal whisky and would arrange to meet him, during his lunch hour, at a parking lot near the defendant's place of employment.

The defendant regarded his sale of illegal whisky as a chance "to make a few extra bucks." He realized he might be caught, but was willing to take the chance. He made no attempt to minimize the offense and expressed annoyance for being involved in the "stupid" venture. He said he was glad he was caught when he was, before getting too deeply involved.

He insisted that the codefendant's account of the offense is "completely false," that his account is correct, and that he bought the illegal whisky from the codefendant. (Note: It has been corroborated that the defendant's account is substantially correct.)

PRIOR RECORD:

Juvenile

	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
7-2-40 (Age 13)	Petty theft	Detroit	1 yr. probation

While in the 9th grade at junior high school the defendant and a classmate, age 15, each took a bicycle from the school's bicycle stand. They were arrested the following day and brought to the Wayne County Juvenile Court. Both were placed on probation for 1 year. According to the Juvenile Court, the defendant completed his probation satisfactorily.

Adult

4-14-55 (Age 28)	Conspiracy to steal and receive stolen property	Detroit	3 yrs. probation and \$150 costs
---------------------	---	---------	----------------------------------

The defendant was convicted in the Wayne County Recorder's Court of the theft of approximately 3,000 pounds of body solder from the Ford Motor Company (value \$614). As a truck driver for a parts manufacturing company, the defendant made frequent trips to the Ford Motor Company. It was through his contacts there that the solder was loaded on his truck. Later, attempts were made to sell it to scrap metal dealers. He was involved with three other men, including a Detroit police sergeant who was the defendant's brother-in-law. On 10-31-55 he was placed on probation for 3 years and ordered to pay \$150 costs. He was discharged from probation 10-31-58 "with improvement" (verified by Recorder's Court).

FAMILY HISTORY:

Defendant. The defendant was born 8-25-26 at White Bear Lake, Minnesota, of native born white parents. He is the oldest of three children. According to the mother, he was treated with affection by both parents. He was not a disciplinary problem in his childhood and youth, although he was involved with juvenile authorities.

The father provided adequately for the family. The defendant came to Detroit when he was 9 years old and lived with his parents until he married at age 21. He maintains a close relationship with his mother and sees her frequently.

Parents and Siblings.

Father. Donald Jones, died in 1958 from a heart attack at age 52. For 17 years prior to his death he worked as a cook at various restaurants.

Mother. Violet (nee Thomas) Conrad, 54, lives at 1928 Chestnut Street, Detroit, with her second husband, Noel Conrad, a factory worker. She is employed as a cook at a bar and restaurant.

Brother. William Jones, 35, 423 Elm Street, Ann Arbor, Michigan, is married, has two children, and is employed in his own business as a house painter. He has not been seen by the defendant in 5 years. They are distant in their relationship.

Sister. Mary Louise Jones, 32, 5127 Foster Avenue, Detroit, single, is a saleslady with the Hudson Department Store. The defendant has always maintained close ties with his sister. She visits the defendant's family every other week.

MARITAL HISTORY:

The defendant was married 3-27-48, in Detroit, to Vera Barnett, then age 18, a native of Michigan. This is the first marriage for each of them. She is presently employed (see EMPLOYMENT).

There are three children: John, Jr., 13; Ricky, 7; and Dawn, 16 months. All three are in the home and according to the mother are in good health. The two boys, she states, attend school, are well disciplined, and seem to be making normal progress. She indicated that both she and her husband have a close attachment to the children and that the marriage has been congenial. Neighbors reported to the probation officer that both the defendant and his wife display an interest in the welfare of their children and that there seems to be family solidarity.

The defendant's wife states that she and her husband have never been separated, but like the average family have experienced occasional differences. She did confide to the probation officer

that she was quite upset with the defendant's present offense and actually thought about asking him to leave the home. But after considering all circumstances she realized she was wrong in even thinking about breaking up the home. She is confident that her husband will not again embarrass himself or his family by further law violations.

HOME AND NEIGHBORHOOD:

The defendant and his family occupy a 5-room brick and frame house which they purchased in 1962 for \$12,500. It is located in a large housing development of similar middle-class homes in the North Woodward area of Detroit. The house is in good repair and the yard well maintained. The home is comfortably and neatly furnished.

The housing development consists largely of American-born families, most of whom are employed in industry. In general, the area has a good reputation. The Jones family has a number of close friends in the immediate area.

The home is the third the family has occupied in the last 10 years and is in keeping with the defendant's desire to provide the best possible home and environment for his family.

EDUCATION:

The defendant graduated from Eastern High School, Detroit, at age 17 (verified). He was rated "good" in attendance, "average" in behavior and cooperativeness, and "poor" in scholastic standing. On an IQ test he scored 98 (average). A general adjustment test administered by the school reflected that he did not perform up to his full potential.

In the fall of 1944 the defendant entered Wayne State University, but left in January 1945, before the semester ended, to enter military service. Since September 1963 he has attended the Detroit College of Applied Science where he is studying mathematics and metal processing. He attends 4 hours weekly. On 1-6-64 he started a 40-week course of study in mechanical drafting under the Manpower Development and Training Act, attending 2 nights a week for a total of 6 hours.

RELIGION:

The defendant was brought up in the Protestant faith but neither he nor his wife has attended church since 1953, 5 years after their marriage. At the time of their marriage the defendant joined the church in which his wife had membership. They attended quite regularly the first year, and then gradually lost interest. The children have no Sunday School affiliation.

INTERESTS AND LEISURE-TIME ACTIVITIES:

The defendant is skillful with tools and does all the maintenance work on the house and in the yard. He has a work bench in the basement, enjoys working with wood, and did a fine job in panelling the basement. The defendant has gotten his older son interested in woodcraft. During the summer he is actively engaged with his two sons in Little League Baseball, coaches a team, and occasionally umpires.

While the defendant formerly gambled and occasionally went to bars, his spare-time interests are now centered in the home.

HEALTH:

Physical. The defendant is 6' tall and weighs 215 pounds. He has hazel eyes, dark brown hair, and a fair complexion. He is of athletic build and has good posture. He has a 1-inch scar on his right cheek, the result of a childhood accident. He states that he has never suffered any disabling illnesses or injuries. He considers his present health as "very good." He has never been an excessive drinker. The last company physical examination found him to be in "good" health (verified). His attendance record on the job has been "very good."

Mental and Emotional. During high school the defendant scored average on an IQ test. He impresses the probation officer, however, as possessing above-average intelligence. This is reflected in both his general social and job adjustment. He has a good vocabulary and good speech production. He seems to be well adjusted socially and also in his emotional makeup. He gets along well with his fellow employees (verified). From what both he and his wife report, there is a good relationship among all the family members. His wife says he is generally well-controlled emotionally and is not easily irritated. He has a desire to improve himself personally and on the job. He wants to provide his children with every opportunity he can give them.

During the investigation the defendant was cooperative. He was frank in admitting his complicity in the offense and manifested a sense of disgust and remorse for getting involved as he did. He admits that he was "stupid" in trying to get "some easy money" through unlawful activities. He wants to increase his earning capacity and, as has been pointed out, is furthering his occupational training.

EMPLOYMENT:

September 1950 to April 1955 (4 years, 7 months). The defendant was employed at the Fitzsimmons Manufacturing Company, 3775 E. Outer Drive, Detroit, as a semi-truck driver at \$2 per hour (verified). Employment was terminated when he was arrested 4-10-55 for involvement in theft of material from the Ford Motor Company (see PRIOR RECORD).

May 1955 to February 1963 (7 years, 7 months). Employed at the Acme Manufacturing Company, 1400 E. Nine Mile Road, Ferndale, Michigan, as a stock handler and crib attendant at \$2.94 per hour (verified). The firm's records show that employment was terminated because of the defendant's arrest in the present case, that he had violated a shop rule by leaving the premises during the lunch period, and had failed to punch out or notify his foreman. When he returned to work 2 days later he was notified of his dismissal.

April 1963 to February 1964 (10 months). Employed as a tool-maker's helper at the Broaching Specialities, Inc., 1500 E. Eleven Mile Road, Madison Heights, Michigan, at \$2 per hour. According to the company he was a satisfactory employee and left voluntarily to accept a better-paying job.

February 1964 to present (9 months). Employed at the Vulcan Engineering Company, 222 Conner Street, Detroit, as a bench hand helper at \$2.49 per hour. His supervisor describes him as a dependable employee and believes he has the potential for advancing to a higher-skilled and better-paying job. His employer knows about his present offense.

The defendant's wife is employed as a saleslady at the Hudson Department Store where the defendant's sister is also employed. Her earnings are \$52 a week.

MILITARY SERVICE:

According to the Army Records Center at St. Louis the defendant was inducted into the United States Army 1-19-45 (Serial No. 12 345 678). He was discharged honorably 11-14-46 with the rank of private first class. His military record reflects that he served 1 year, 2 months, 6 days in the Pacific Theater where he was assigned to the Military Police. He has no record of service disabilities. He has no courts martial. The defendant considers his military service as a worthwhile experience. He is grateful, he says, that he returned home safely.

FINANCIAL CONDITION:

Assets. The defendant has the following assets (all verified):

- A \$1,400 equity in a home purchased 10-11-62 in joint ownership with his wife for \$12,500
- A 1960 Ford car, paid in full
- Two paid-up \$500 life insurance policies with the Metropolitan Life Insurance Company
- A \$3,500 policy with the Metropolitan Life Insurance Company
- A \$5,500 life insurance policy at place of employment
- A \$5,000 Government Life Insurance Policy (Veterans Administration)
- A savings account of \$105 and a checking account of \$83.27 at the Wayne Oakland Bank, Stephenson Branch (both accounts as of 10-3-64)

Financial Obligations. There is a balance of \$11,100 on the home, payable at the rate of \$91 per month to the Frank A. Bowden Company, 410 Lafayette Building, Detroit. The defendant owes the Household Finance the amount of \$950 for a loan to purchase new furniture payable at the rate of \$36 a month. There are no other obligations, according to both the defendant and his wife. The defendant's credit rating with the Detroit Credit Bureau reflects no problems in financial management.

EVALUATIVE SUMMARY:

The defendant, 38, is a white, married American-born male who entered a plea of guilty to the possession of illicit distilled spirits. The police and the ATTU agents in the case state that he was not involved in the manufacture of illegal whisky, but rather

was purchasing it from the codefendant whose case is still pending. He is believed by the investigating officers as well as the probation officer, to be a minor offender and less culpable than his associate.

A native of Minnesota, he has lived in the Detroit area since he was 9. He is the oldest of three children and remained in what appeared to be a desirable family situation until he left home at 21. He has lived with his wife without separation since their marriage in 1948. They have three children, the oldest 13. There appears to be a wholesome family relationship. The defendant is genuinely interested in his family and is making a conscientious effort to provide better for them. He is considered an asset in the community and has many friends.

He completed high school and is presently taking evening courses in mathematics, metal processing, and mechanical drafting. He has a good employment record, a good job at present, and never encountered difficulty in locating suitable employment.

At 13 he was arrested for taking a bicycle without permission and was placed on probation in the juvenile court. In 1955, at age 28, he had a previous conviction for conspiracy to steal and receive stolen property. He was placed on probation for 3 years and completed it satisfactorily. At that time and in the present offense he had minor financial problems and seized an opportunity to make some easy money.

Although poor judgment is evident in his two convictions, it is not indicated in his family and community relationships and on the job. He realizes the futility of his act and is annoyed by what he has done. He is convinced it will not happen again.

The defendant was completely cooperative during the entire investigation.

RECOMMENDATION:

In view of his remorseful attitude toward his offense, his constructive plans and hopeful outlook for the future, the efforts he is making to better himself, the favorable relationships he has

with his family and the neighborhood, his good adjustment on his present job, and his willingness to receive counsel and help, it is recommended that the defendant be placed on probation with a small fine as a condition of probation.

Respectfully submitted,

George P. Adams

GEORGE P. ADAMS
U. S. Probation Officer

October 14, 1964

GPA:BJF





